

1. On August 18, 2006, Shearer must file an Opening Brief in BLM OHA Hearing AA-71472. Shearer is currently working full time on that Opening Brief which involves the Banjo and Pass Lode Mining Claims which are also subject property to this case A03-0263 CV (JKS).

2. On September 8, 2006 Shearer must file a Reply Brief in BLM OHA Hearing AA-71472.

3. Between August 18, 2006 and September 8, 2006, Shearer is planning to travel to Alaska for about seven (7) days to complete business for this case A03-0263-CV (JKS) and additional personal business in Healy, Alaska.

4. Between September 16, 2006 to September 24, 2006, Shearer may need to again travel to Alaska for about 10 days to finish incomplete business for this case A03-0263 CV (JKS).

5. Travel to Alaska is required to complete field work required for an appraisal to cover a minimum of Parcel 1, the patented Doherty Lode Mining Claim, subject property in this case.

6. Travel to Alaska may also be required to retrieve documents from NPS as requested by Shearer in his First and Second Request For Production. Shearer has a prior agreement with United States that each party would copy and exchange documents requested by the other party. Shearer did produce copies and send all such copies to United States for all documents requested in United States's Request for Production. However United States has refused to produce numerous documents requested by Shearer and for certain other documents has refused to identify or deliver copies to Shearer as previously agreed, but has instead requested Shearer travel to Alaska to be given access to documents with no assurance as to what specific documents will be disclosed.

7. Pursuant to Federal Rule 37 Shearer will attempt to first resolve discovery disputes by conferring with United States and requesting United States to comply with the previous court order to produce documents subject to Shearer's First and Second Production Requests. If Shearer is unsuccessful in his attempts to secure the disclosure and documents requested without court action, then Shearer will be forced to file a Rule 37 motion to apply for an order compelling disclosure of the documents requested in Shearer's First and Second discovery requests for production.

8. Shearer believes that some of the documents requested in Shearer's First and Second Request for Production which the defendant has refused to send to Shearer would aid Shearer in both his Reply to Opposition of the United States To Plaintiff Shearer's Motion To Strike (Docket Entry No. 90) and, if Shearer's Motion To Strike is denied, in his subsequent Opposition to the Motion of the United States for partial Summary Judgment-Parcels 3, 14, 15, and 20 (Docket Entry No. 84.)

9. Shearer disagrees with the defendant's argument that Shearer has not sought any enlargement of time or stay of any obligation to respond to the Motion of the United States for partial Summary Judgment-Parcels 3, 14, 15, and 20 (Docket Entry No. 84). On the contrary, Shearer specifically reserved his right to respond to the Motion of the United States (Docket Entry No. 84) when Shearer stated in the Conclusion of his Motion To Strike (Docket Entry No. 88):

This Cross-Motion is filed without prejudice to Shearer, and therefore Shearer reserves his right to oppose the Motion of the United States for Partial Summary Judgment on Parcels 3, 14, 15, and 20 (Docket 84) if the Court denies Shearer's Cross-Motion. Therefore if the Court denies this Cross-Motion to Dismiss or Strike the Motion of the United States for Partial Summary Judgment on Parcels 3, 14, 15, and 20 (Docket 84), then plaintiff Paul Shearer reserves his right to file

an Opposition and requests leave to respond on the merits by filing an Opposition to Motion of the United States for Partial Summary Judgment on Parcels 3, 14, 15, and 20 (Docket 84).

10. Finally the Opposition of the United States To Plaintiff Shearer's Motion To Strike (Docket Entry No. 84) raises new issues not previously addressed regarding disputes between Plaintiff Shearer and defendant United States regarding the parties interpretation of "stipulation of the parties" referred to in Order (Docket Entry No. 78). Therefore Shearer needs additional time to confer with the United States, research the issue, and seek legal advice before responding to the claims made by United States regarding this issue.

For the reasons stated above, plaintiff needs the additional time to prepare and file a Reply to the defendant's Opposition Of The United States To Plaintiff Shearer's Motion To Strike (Docket Entry No. 90), and requests until October 9, 2006 to file the Reply.

For the reasons stated above, plaintiff requests to file a response to Motion of the United States for Partial Summary Judgment-Parcels 3, 14, 15, and 20 (Docket Entry No. 84) by 30 days after a ruling is filed (but no sooner than October 9, 2006) on Plaintiff's Motion to Dismiss or Strike United States' Motion for Partial Judgment-Parcels 3, 14, 15, and 20 (Docket Entry No. 88).

Dated August 7, 2006

A handwritten signature in cursive script, reading "Paul G. Shearer", is written over a horizontal line.

Plaintiff
Paul G. Shearer
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CERTIFICATE OF SERVICE

I certify that a copy of the above documents was mailed, by first class mail addressed to the persons at the addresses stated below on August 8, 2006.



Paul G. Shearer

Addressee(s):

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